



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/144,897
Applicants : Mohamed K. Diab et al.
Filed : September 1, 1998
TC/A.U. : 3736
Examiner : Eric F. Winakur

Title : SIGNAL PROCESSING APPARATUS

Docket No. : MASIMO.7CP1C4
Customer No. : 20,995

Confirmation No. : 5325

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February 21, 2006

(Date)

John M. Grover, Reg. No. 42,610

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PETITION TO EXPUNGE UNDER 37 CFR § 1.59 AND MPEP § 724.05(I)

Sir:

Applicants have filed herewith an Information Disclosure Statement under MPEP § 724.02 including references subject to a protective order in consolidated Case No. 2:00-CV-6506 MRP (AJWx) from the U.S. District Court of Central District of California. In accordance with § 724.05(I), Applicants make the following requests and assertions.

- (A) The Applicants request that the references cited in the attached PTO/SB/08 equivalent be expunged without disclosure of the details thereof.
- (B) The Applicants assert that to the best of their information and belief, the references are subject to a protective order and the information contained therein has not been otherwise made public.
- (C) The Applicants will retain the references for the period of any patent with regard to which such information is submitted.
- (D) This petition is being submitted by, or on behalf of, Masimo Corporation, who is the party in interest who originally submitted the information.

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Petition to Expunge

Enclosed herewith is the fee set forth in 37 CFR § 1.17(l) for a petition under 37 CFR § 1.59(b). Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: February 21, 2006

By:


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